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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,032

05/11/2006

Roger Philip Sack

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EXAMINER

WACHSMAN, HAL D

ART UNIT

PAPER NUMBER

2857

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,032	Applicant(s) SACK ET AL.	
	Examiner Hal D. Wachsman	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7-25-08</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1, 12, 14 and 24 are allowable. Claims 2-11, 13 and 15-23, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between species I and II, as set forth in the Office action mailed on 8-16-07, is hereby withdrawn** and claims 2-11, 13 and 15-23 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. This application is in condition for allowance except for the following formal matters:

a) The replacement sheet drawings filed 5-23-08 are improper under 37 C.F.R. 1.121 because replacement drawing sheets must be identified in the **top margin** as "Replacement Sheet" (i.e. this labeling was put on the left hand side margin of the drawing sheets). Also the replacement drawing for Figure 6 is objected to under 37 C.F.R. 1.84(m) because solid black shading is not permitted. Also, in the replacement drawings sheets the sheet numbering at the top of these pages (i.e. 1/9, 3/9, etc.) has been renumbered when compared to the original drawing sheets however the sheet

numbering for the drawing sheets that have not been amended (i.e. 1/7, 2/7, etc.) is inconsistent with the new sheet numbering. In addition, as noted in paragraph 3 of the previous Office action, the original drawings were labeled at top with the WO 2005/016723 and PCT/AU2004/001107 application numbers however 10/563,032 is the application number of the instant application. Appropriate correction is required.

b) The substitute specification filed 5-23-08 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: it is not accompanied by a statement indicating that the *substitute specification* contains no new matter.

c) The first page of the substitute specification filed 5-23-08 indicates that Australian Application no. 2003904423 was filed August 19, 2002. However, PALM indicates that this application was filed on August 19, 2003. Appropriate correction is required.

d) The substitute specification filed 5-23-08 contains the Abstract on page 21 as part of the substitute specification. However, as required by 37 C.F.R. 1.72, any new, or replacement, abstract must be submitted on a separate sheet. Appropriate correction is required.

e) Claims 1-24 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 1, line 2, cites "at least one vehicle suspension component" however was this intended to be "at least one vehicle suspension system component" ? This same type of problem also occurs in claim 14, line 2. Claim 1, line 3, cites "excursioin of mass" which it appears should be "excursion of mass". Claim 1, lines 4-5,

cite "...wherein the electronic weighing system is mounted onboard the vehicle and *in association with* the at least one suspension component" which is vague with respect to how the at least one suspension component is associated with the electronic weighing system. Claim 1, line 5, cites "the at least one suspension component" which it appears should be "the at least one vehicle suspension system component". Claim 1, step b, cites "measuring an oscillation frequency of at least one vehicle suspension component..." however is this referring to the same at least one vehicle suspension component cited previously in the claim ? Claim 1, step b, cites "an impulsive load" however is this referring to the "unit impulsive load" cited previously in the claim ? The preambles of claims 2-11, 13 and 15-23, cite "A method...." which should be "The method...". Claim 2, lines 2-3, cite "one or more suspension component" which it appears should be "one or more vehicle suspension system components". Claim 2, line 4, cites "the data" which lacks clear antecedent basis. Claim 3, line 2, cites "the results of calibration testing" however calibration testing of what exactly is being referred to here ? Claim 5, line 1, cites "capable of" which implies that the invention may or may not do what is being cited here. Claim 7, line 1, cites "the system" however which of the two previously cited systems is being referred to here ? This same type of problem also occurs in claim 11, line 1. Claim 8, line 1, cites "the storage device" however it appears that the antecedent basis is "on-board storage device". Regarding claim 8, the phrase "such as" in line 3 of this claim renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Claim 9, line 2, cites "the collected information" which lacks clear antecedent basis. Claim 10, line 1,

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cites "the method" however exactly which method is being referred to here ? Claim 11, line 2, cites "a vehicle" however is this referring the same vehicle previously cited in the claims ? Claim 15, line 2, cites "the vehicle suspension" however is this referring to the vehicle suspension system ? Claim 16, line 2, cites "the step" which lacks clear antecedent basis. This same type of problem also occurs in claim 17, line 2. Claim 17, line 1, cites "the data" which lacks clear antecedent basis. Claim 17, line 2, cites "the tested parameters" which lacks clear antecedent basis. Claim 19, line 2, cites "the combination test rig vehicle" which lacks antecedent basis. Claim 19, line 2, cites "at speed" however what speed is being referred to here ? Claim 20, lines 1-2, cite "the data collected" which lacks antecedent basis. Claim 21, line 4, cites "a test vehicle" however is this referring to the same vehicle previously cited in the claim. ? Claim 23, line 2, cites "...using locating means" however was this intended to be "...using a locating means" ? The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hal D Wachsman/
Primary Examiner
Art Unit 2857

July 25, 2008